

for 1 minute and to revise and extend her remarks.)

Ms. SPANBERGER. Madam Speaker, I stand here today to recognize retired Virginia police officer, Wally Bunker.

For nearly 22 years, Wally served as a police lieutenant for the Suffolk Police Department where he served in several different roles.

Now retired from the force and living in Culpeper, he cannot access a key tax benefit to help pay for his health coverage, an issue that is shared by thousands of retired officers across the country.

Many officers retire early due to the high-pressure demands of the jobs, meaning, many lose their employer-sponsored coverage while they are still years away from Medicare eligibility.

When Congress enacted the HELPS Retirees Act in 2006 to allow retired officers to use tax-free payments from their pensions to cover insurance costs, many retirees with smaller pension plans were excluded from this benefit.

When Wally approached our office to explain the issue he was facing, like so many other retired officers, we responded by introducing the bipartisan Wally Bunker HELPS Retirees Improvement Act to take steps to fix this issue.

I thank my Republican colleague, Congressman CHABOT, for joining me to make sure that all retired officers receive the full benefits they have earned by putting on the badge.

Madam Speaker, I urge my colleagues to join us in this push.

□ 0915

VIOLENCE AT THE SUPREME COURT

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Madam Speaker, we have seen recently that the Supreme Court has decided to take up the *Dobbs v. Jackson* case, and, indeed, a deplorable action came out with the leak of a possible draft of what the decision might be.

What has that caused since? Violence by the left, extreme violence. Indeed, some of that violence was led by Senate Majority Leader SCHUMER against that Court.

What do we have going on here if we can't rely on our courts and our institutions to be able to make arguments in their chambers without being threatened with violence?

Indeed, it is a controversial subject, but there is no consensus on *Roe v. Wade* in this country. It is a 50-50 deal.

Indeed, the Court is taking up an issue, trying to right a wrong for 50 years that should have been done by a legislative process. Courts are not to be legislating from the bench. That is what happened nearly 50 years ago.

This will put the question back to the State legislatures, or this one right

here, where the people can be heard by their elected officials, by their elected Representatives in a committee process, in a hearing process, interactions, townhalls, and all that, and not have five out of nine on a court decide for them.

This is on the right track, but the violence is not as you pass by the fences around that Court.

CONSUMER FUEL PRICE GOUGING PREVENTION ACT

Mr. PALLONE. Madam Speaker, pursuant to House Resolution 1124, I call up the bill (H.R. 7688) to protect consumers from price-gouging of consumer fuels, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. PORTER). Pursuant to House Resolution 1124, the amendment printed in Part B of House Report 117-333 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 7688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Fuel Price Gouging Prevention Act".

SEC. 2. UNCONSCIONABLE PRICING OF CONSUMER FUELS DURING EMERGENCIES.

(a) UNCONSCIONABLE PRICING.—

(1) IN GENERAL.—It shall be unlawful for any person to sell a consumer fuel, at wholesale or retail, in an area and during a period of an energy emergency covered by a proclamation issued under paragraph (2) at a price that—

(A) is unconscionably excessive; and

(B) indicates the seller is exploiting the circumstances related to an energy emergency to increase prices unreasonably.

(2) ENERGY EMERGENCY PROCLAMATION.—

(A) IN GENERAL.—The President may issue an energy emergency proclamation for any area within the jurisdiction of the United States, during which the prohibition in paragraph (1) shall apply, that includes the geographic area covered, the consumer fuel covered, and the time period that such proclamation shall be in effect.

(B) DURATION.—The proclamation—

(i) may not apply for a period of more than 30 consecutive days, but may be renewed for such consecutive periods, each not to exceed 30 days, as the President determines appropriate; and

(ii) may include a period of time not to exceed 1 week before a reasonably foreseeable emergency.

(3) FACTORS CONSIDERED.—

(A) IN GENERAL.—In determining whether a person has violated paragraph (1), there shall be taken into account, among other factors, the aggravating factors described in subparagraph (B) and the mitigating factor described in subparagraph (C).

(B) AGGRAVATING FACTORS.—The aggravating factors described in this subparagraph are the following:

(i) Whether the amount charged by such person grossly exceeds the average price at which the consumer fuel was offered for sale by such person during—

(I) the 30-day period before the date on which the proclamation was issued; or

(II) another appropriate benchmark period, as determined by the Commission.

(ii) Whether the amount charged by such person grossly exceeds the price at which the same or a similar consumer fuel was readily obtainable in the same area from other sellers during the energy emergency period.

(C) MITIGATING FACTOR.—The mitigating factor described in this subparagraph is whether the quantity of any consumer fuel such person produced, distributed, or sold in an area covered by the proclamation during the 30-day period following the date on which the proclamation was issued increased over the quantity such person produced, distributed, or sold during the 30-day period before the date on which the proclamation was issued, taking into account any usual seasonal demand variation.

(b) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense in any civil action or administrative action to enforce subsection (a), with respect to the sale, at wholesale or retail, of a consumer fuel by a person, that the increase in the price of such consumer fuel reasonably reflects additional costs that were paid, incurred, or reasonably anticipated by such person, or reasonably reflects additional risks taken by such person, to produce, distribute, obtain, or sell such consumer fuel under the circumstances.

(c) RULE OF CONSTRUCTION.—This section may not be construed to cover a transaction on a futures market.

(d) ENFORCEMENT.—

(1) FEDERAL TRADE COMMISSION.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section. In enforcing subsection (a), the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of consumer fuels in excess of \$500,000,000 per year.

(2) ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.—

(A) IN GENERAL.—If the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating subsection (a) involving a retail sale, the attorney general, official, or agency of the State, in addition to any authority it may have to bring an action in State court under its laws, may bring a civil action in any appropriate United States district court or in any other court of competent jurisdiction to—

(i) enjoin further such violation by such person;

(ii) enforce compliance with such subsection;

(iii) obtain civil penalties; and

(iv) obtain damages, restitution, or other compensation on behalf of residents of the State.

(B) NOTICE.—The State shall serve written notice to the Commission of any civil action under subparagraph (A) before initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(C) AUTHORITY TO INTERVENE.—Upon receipt of the notice required by subparagraph